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11 Attorneys for Plaintiff
C.F.C., a minor, by and through
12 Christine F., his parent and guardian
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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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18 C.F.C., minor, by and through CHRISTINE
F., his parent and guardian, on behalf of
19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 POWER BALANCE LLC; a Delaware
Limited Liability Company.

23 Defendants.
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CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST TO VACATE UPCOMING
CASE MANAGEMENT CONFERENCE IN
LIGHT OF ONGOING AUTOMATIC
STAY UNDER 11 U.S.C. SECTION 362**

**Complaint filed: February 1, 2011
Trial Date: None Set**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian ("Plaintiff")
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of
5 California.

6 WHEREAS, on November 22, 2011, Power Balance filed a Notice of Pending Chapter
7 11 Bankruptcy and Notice of Automatic Stay in this court (Dkt. No. 29).

8 WHEREAS, the Chapter 11 bankruptcy is currently proceeding as Case No. 8:11-25982
9 and pending before the Honorable Theodore Albert, United States Bankruptcy Judge (the
10 "Bankruptcy Action").

11 WHEREAS, pursuant to Section 362(a) of the Bankruptcy Code, there is currently an
12 ongoing automatic stay over the instant action.

13 WHEREAS a hearing on confirmation of the Debtor's Third Amended Chapter 11
14 Liquidating Plan is scheduled for December 19, 2013.

15 WHEREAS, the parties will provide this Court with an additional update on any changes
16 to the status of the Bankruptcy Action if and when they occur.

17 WHEREAS, on June 25, 2013, the Court previously granted Plaintiff's request to vacate
18 the prior Case Management Conference due to the ongoing automatic stay.

19 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a),
20 Plaintiff requests that this Court vacate the upcoming Case Management Conference currently
21 scheduled for November 14, 2013, and reset it to a date in February 2014.

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23 Dated: November 6, 2013

LEXINGTON LAW GROUP

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25 /s/ Mark Todzo

26 Mark Todzo
27 Attorneys for Plaintiff
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1 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.**

2 The Case Management Conference has been rescheduled for February 13, 2014, at 9:00 a.m.

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4 Dated: November 7, 2013

